

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

MARK EDGINGTON, Pro Se,)
)
Plaintiff,)
)
v.) No. 1:21-cv-00537-LM
)
SCOTT BAILEY (in his official capacity as)
Special Agent of the FBI),)
)
Defendant.)
)

DEFENDANT'S MOTION TO DISMISS
PURSUANT TO RULE 12(b)(6)

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Scott Bailey, in his official capacity as a Special Agent of the Federal Bureau of Investigation (“FBI”), moves this Court to dismiss Plaintiff’s complaint. Because it does not satisfy the Supreme Court’s requirement that a plaintiff allege sufficient facts to state a plausible claim, Plaintiff’s complaint fails to state a claim upon which relief may be granted and therefore must be dismissed. *See Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). In the alternative, the Court should order Plaintiff to amend his complaint to allege sufficient facts to assert a plausible claim for relief.

In support of its Motion, Defendant refers the Court to the attached memorandum of law and the record of this litigation.

Therefore, this Court should dismiss Plaintiff’s complaint for failure to state a claim upon which relief may be granted or, alternatively, order Plaintiff to amend his complaint.

JOHN J. FARLEY
Acting United States Attorney

By: /s/ Michael McCormack
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November 9, 2021

CERTIFICATE OF SERVICE

I certify that on this 9th day of November, 2021, a copy of the foregoing Motion was served via first class, postage prepaid mail to pro se plaintiff Mark Edgington, 73 Leverett Street, Keene, NH 03431.

/s/ Michael T. McCormack

Michael T. McCormack, AUSA